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Borst 15-2-9

MAR 29 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Borst et al.

Serial No.: 10/822,511

Filed: April 12, 2004

For: METHOD AND APPARATUS FOR CHANNEL PREDICTION IN WIRELESS
NETWORKS

Group: 2683

Examiner: Balaoing, Ariel A.

Durham, North Carolina
March 29, 2006Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**CERTIFICATION OF FACSIMILE TRANSMISSION**

Sirs:

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax. No. 571-273-8300 on the date set forth below.

1. Amendment Transmittal (2 pages)
2. Amendment (10 pages)

Marianna Tortorelli

Printed name of person signing

Marianna Tortorelli

Signature

Date: March 29, 2006

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Amendment

Sir:

In response to the Official Action of November 29, 2005, please amend the above identified application as follows:

Appl. No. 10/822,511
Amdt. dated March 28, 2006
Reply to Office Action of November 29, 2006

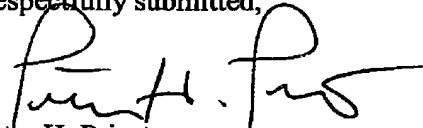
teaches away from the present approach by specifically addressing "sluggish trend" detection in a different manner than presently claimed at col. 6, lines 10-21.

The Official Action relies upon Agrawal to purportedly address the admitted failings of Tayloe and Larsson. However, Agrawal addresses "Discrete Soft Handoff in CDMA Wireless and Networks", Agrawal Title, and it is submitted that its limited teaching in this context does not provide a basis for modifying Tayloe and Larsson in the manner suggested by the Official Action. The further reliance upon Dent is a clear and improper hindsight reconstruction of the claims from bits and pieces selected without any basis in the art for modifying the relied upon art in the manner suggested. It is not believed that even if these bit and pieces are combined as suggested will one arrive at the presently claimed invention.

Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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